

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01735-CRC

DEMOCRACY FORWARD FOUNDATION v. UNITED STATES CUSTOMS AND BORDER PROTECTION et al
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 07/25/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DEMOCRACY FORWARD FOUNDATION

represented by **Benjamin M. Seel**
DEMOCRACY FORWARD FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 701-1793
Email: bseel@democracyforward.org
ATTORNEY TO BE NOTICED

Nitin Shah
DEMOCRACY FORWARD FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 448-9090
Email: nshah@democracyforward.org
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES CUSTOMS AND BORDER PROTECTION

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
TERMINATED: 08/07/2019

Defendant

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

represented by **John Moustakas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
(See above for address)

TERMINATED: 08/07/2019

Date Filed	#	Docket Text
07/25/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5604040) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Shah, Nitin) (Attachment 4 replaced on 7/27/2018) (zmd). (Entered: 07/25/2018)
07/25/2018		Case Assigned to Judge Christopher R. Cooper. (zmd) (Entered: 07/27/2018)
07/27/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. General. (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 07/27/2018)
08/01/2018	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE to Jessie K. Liu, U.S. Attorney for the District of Columbia re <u>1</u> Complaint, filed by DEMOCRACY FORWARD FOUNDATION. Related document: <u>1</u> Complaint, filed by DEMOCRACY FORWARD FOUNDATION.(Shah, Nitin) (Entered: 08/01/2018)
08/07/2018	<u>4</u>	SUMMONS (1) Issued Electronically as to U.S. Attorney. (zrdj) (Entered: 08/07/2018)
08/13/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/9/2018. (Answer due for ALL FEDERAL DEFENDANTS by 9/8/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/6/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CUSTOMS AND BORDER PROTECTION served on 8/3/2018; UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 8/3/2018 (Attachments: # <u>1</u> Declaration)(Shah, Nitin) (Entered: 08/13/2018)
09/10/2018	<u>6</u>	ANSWER to Complaint by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Hendry, Melanie) (Entered: 09/10/2018)
09/10/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties promptly confer and file a joint proposed schedule for briefing or disclosure by September 25, 2018. Signed by Judge Christopher R. Cooper on 09/10/2018. (lccrc3) (Entered: 09/10/2018)
09/10/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 9/25/2018. (znbn) (Entered: 09/10/2018)
09/25/2018	<u>7</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 09/25/2018)
09/27/2018		MINUTE ORDER: Upon consideration of the parties' <u>7</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report on or before November 1, 2018. The parties shall adhere to a briefing schedule on Plaintiff's expedited processing claim as follows: Plaintiff's motion for summary judgment shall be filed on or before October 16, 2018; Defendants' opposition and cross-motion for summary judgment shall be filed on or before November 14, 2018; Plaintiff's reply and opposition shall be filed on or before November 28, 2018; Defendants' reply shall be filed on or before December 12, 2018. Signed by Judge Christopher R. Cooper on 09/27/2018. (lccrc3) (Entered: 09/27/2018)
09/27/2018		Set/Reset Deadlines: Joint Status Report due by 11/1/2018 Summary Judgment motions due by 10/16/2018. Response to Motion for Summary Judgment due by 11/14/2018. Reply to Motion for Summary Judgment due by 11/28/2018. Replies due by 12/12/2018. (lsj) (Entered: 09/27/2018)
10/16/2018	<u>8</u>	MOTION for Partial Summary Judgment by DEMOCRACY FORWARD FOUNDATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u>

		Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Statement of Facts, # <u>8</u> Text of Proposed Order)(Shah, Nitin) (Entered: 10/16/2018)
11/01/2018	<u>9</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 11/01/2018)
11/02/2018		MINUTE ORDER: The parties shall appear for a telephonic status conference on November 7, 2018 at 12:00 PM. Signed by Judge Christopher R. Cooper on 11/02/2018. (lccrc3) (Entered: 11/02/2018)
11/05/2018		Set/Reset Hearings: Telephone Conference set for 11/7/2018 at 12:00 PM in Chambers before Judge Christopher R. Cooper. (lsj) (Entered: 11/05/2018)
11/07/2018		MINUTE ORDER: The parties shall file a status report on or before December 14, 2018, to include an update regarding the first disclosure of responsive documents. Signed by Judge Christopher R. Cooper on 11/07/2018. (lccrc3) (Entered: 11/07/2018)
11/07/2018		Minute Entry for Telephone Conference held before Judge Christopher R. Cooper on 11/7/2018. Forthcoming Order. (Court Reporter: Lisa Moreira) (lsj) (Entered: 11/07/2018)
11/07/2018		Set/Reset Deadlines: Status Report due by 12/14/2018 (lsj) (Entered: 11/07/2018)
11/09/2018	<u>10</u>	STIPULATION re <u>8</u> MOTION for Partial Summary Judgment by DEMOCRACY FORWARD FOUNDATION. (Shah, Nitin) (Entered: 11/09/2018)
11/13/2018		MINUTE ORDER: In light of the parties' <u>10</u> Stipulation, Plaintiff's <u>8</u> Motion for Partial Summary Judgment is denied without prejudice as moot. Signed by Judge Christopher R. Cooper on 11/13/2018. (lccrc3) (Entered: 11/13/2018)
12/14/2018	<u>11</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 12/14/2018)
12/17/2018		MINUTE ORDER: Upon consideration of the parties' <u>11</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report on or before January 31, 2019. Signed by Judge Christopher R. Cooper on 12/17/2018. (lccrc3) (Entered: 12/17/2018)
12/18/2018		Set/Reset Deadlines: Status Report due by 1/31/2019 (lsj) (Entered: 12/18/2018)
01/31/2019	<u>12</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER: Upon consideration of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before February 12, 2019. Signed by Judge Christopher R. Cooper on 02/01/2019. (lccrc3) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report due by 2/12/2019 (lsj) (Entered: 02/01/2019)
02/12/2019	<u>13</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 02/12/2019)
02/13/2019		MINUTE ORDER: Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report on or before March 29, 2019. Signed by Judge Christopher R. Cooper on 02/13/2019. (lccrc3) (Entered: 02/13/2019)
02/14/2019		Set/Reset Deadlines: Further Status Report due by 3/29/2019 (lsj) (Entered: 02/14/2019)
03/28/2019	<u>14</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 03/28/2019)

03/28/2019		MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report on or before May 23, 2019. Signed by Judge Christopher R. Cooper on 03/28/2019. (lccrc3) (Entered: 03/28/2019)
03/29/2019		Set/Reset Deadlines: Status Report due by 5/23/2019 (lsj) (Entered: 03/29/2019)
05/23/2019	<u>15</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 05/23/2019)
05/24/2019		MINUTE ORDER: Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further status report on or before July 23, 2019. Signed by Judge Christopher R. Cooper on 05/24/2019. (lccrc3) (Entered: 05/24/2019)
05/28/2019		Set/Reset Deadlines: Status Report due by 7/23/2019 (lsj) (Entered: 05/28/2019)
07/23/2019	<u>16</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Hendry, Melanie) (Entered: 07/23/2019)
07/23/2019		MINUTE ORDER: The parties' <u>16</u> Joint Status Report indicates that Defendants will complete processing of responsive records by August 22, 2019. Accordingly, it is hereby ORDERED that the parties shall file a further status report on or before September 23, 2019, indicating whether any disputes remain and, if so, proposing a briefing schedule. Signed by Judge Christopher R. Cooper on 07/23/2019. (lccrc3) (Entered: 07/23/2019)
07/24/2019		Set/Reset Deadlines: Status Report due by 9/23/2019 (lsj) (Entered: 07/24/2019)
08/07/2019	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
08/07/2019	<u>18</u>	NOTICE of Appearance by Benjamin M. Seel on behalf of DEMOCRACY FORWARD FOUNDATION (Seel, Benjamin) (Entered: 08/07/2019)
09/23/2019	<u>19</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Seel, Benjamin) (Entered: 09/23/2019)
09/25/2019		MINUTE ORDER: In light of <u>19</u> Joint Status Report, the parties are hereby ORDERED to file a further status report on or before December 16, 2019. That joint status report should include a proposed summary judgment briefing schedule for any disputes that remain. Signed by Judge Christopher R. Cooper on 09/25/2019. (lccrc3) (Entered: 09/25/2019)
09/25/2019		Set/Reset Deadlines: Status Report due by 12/16/2019 (lsj) (Entered: 09/25/2019)